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JUN 01 2005

OFFICE OF PETITIONS

In re Application of
Pope et al.
Application No. 10/727,908
Filed: November 30, 2004
Attorney Docket No. 6061.1 P

Decision on Petition

This is a decision on the petition filed November 30, 2004, to accord the above-identified application a filing date of November 23, 2004, the date the papers were mailed to the Office. An additional copy of the petition was filed on March 30, 2005.

The petition is **granted** to the extent indicated below. The application will be accorded a filing date of November 30, 2004.

The application was filed on December 4, 2003.

On September 28, 2004, the Office of Initial Patent Examination mailed a Notice stating that Figures 2B, 2C, 2D, and 2J were missing and that a filing date had been accorded and that, unless a petition was filed, the application would be examined as filed.

In response, the present petition supplies the omitted items and requests that the date that the omitted items are being supplied be the filing date of the application.

The missing Figures and the petition were mailed in compliance with 37 CFR 1.8. The papers were received on November 30, 2004. The benefits of 37 CFR 1.8 do not apply to papers which are part of the original application. The missing figures are being accepted and entered as part of the original application. Therefore, the filing date will be the date of receipt of the papers rather than the date the papers were mailed.

A copy of the November 30, 2004 papers was resubmitted on March 30, 2005. In response to the March papers, the Office charged \$130 to petitioner's deposit account for the petition fee and \$795 for an extension of time fee. These fees totaling \$925 are refundable and will be credited back to petitioner's deposit account.

As of November 1, 2004, the fee for a petition under 37 CFR 1.182 increased to \$400. The Office only charged \$130 to petitioner's deposit account. Therefore, an additional \$270 will be charged to petitioner's deposit account.

The papers filed March 30, 2005, will not be entered since they are merely duplicates of papers filed November 1, 2004.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 30, 2004, using the application papers filed on December 4, 2003, and the copy of the papers including Figures 2B, 2C, 2D, and 2J filed on November 30, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions